



FEB 06 2008

## MEMO ENDORSED

MICHAEL A. CARDODOZ  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET, Room 2-317  
NEW YORK, NY 10007

CHRISTOPHER L. HEER  
phone: (212) 788-0960  
fax: (212) 788-0940  
email: cheer@law.nyc.gov

February 5, 2008

BY FACSIMILE

Honorable Sidney H. Stein  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 1010  
New York, New York 10007

USDC EDNY  
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ELECTRONICALLY FILED  
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Re: Simpson v. City of New York, et al.  
08 Civ. 0185 (SHS) (KNF)

Dear Judge Stein:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel for the City of New York, assigned to represent defendants New York City Department of Housing Preservation and Development and Commissioner Shaun Donovan ("City Defendants").<sup>1</sup> Plaintiff Pro Se served the City Defendants with a summons and complaint on January 15, 2008 and its response was due on February 4, 2008. City Defendants write to respectfully request an extension of the time to respond to the complaint filed in this action from February 4, 2008 to March 20, 2008. We have spoken with plaintiff pro se, who has consented to a twenty-two day extension from February 12, 2008, the date the response must be served by defendant Rand. This is City Defendants' first request for an extension of time to respond to the complaint.

<sup>1</sup> Upon information and belief, individual defendant Deborah Rand was served with a summons and complaint on or about January 23, 2008 and she is required to serve a response by February 12, 2008. Until this office has had an opportunity to conduct a representation interview, this office represents Ms. Rand solely for the purpose of seeking an extension of time from the Court to respond to the complaint. However, upon information and belief Luiz Aragon has not been properly served in this action and therefore this office does not make this request on his behalf at this time.

At the outset, we apologize for not seeking an extension prior to February 4, 2008 on behalf of the City Defendants. There was some confusion as to when the City Defendants had been served and whether or not some of the individual defendants were properly served, if at all. In order to respond to the complaint on behalf of the City Defendants, which must be grounded in knowledge, information and belief formed after reasonable inquiry, as required by Rule 11 of the Federal Rules of Civil Procedure, I must identify, locate and interview those persons with knowledge of the allegations set forth in the complaint. In addition, I must identify, locate and review any documents relevant to plaintiff's claims and making representation determinations as to the individually named defendants who have been served. An extension of time will provide us with sufficient time to investigate Plaintiff's allegations and to review documents that might be relevant to this action.

City Defendants seek an additional fifteen days from March 5, 2008, the date plaintiff to which plaintiff has consented, because of a scheduled vacation that I will be taking from March 5 through March 16, 2008. Moreover, the additional two weeks City Defendants seek will provide this office sufficient time to determine whether or not Deborah Rand, and any other individual defendant who is properly served in this action, will be represented by this office.

For the foregoing reasons, City Defendants therefore respectfully request an extension of time to March 20, 2008 to respond to the complaint to fulfill their obligations and to respond meaningfully to the allegations asserted against them.

Thank you for your consideration of this request.

2/11/08

*The defendants shall  
serve and file their answer(s)  
to the complaint on or before  
March 20, 2008.*

*SO ORDERED:*

*Kevin Nathaniel Fox*

KEVIN NATHANIEL FOX, U.S.M.J.

Sincerely yours,



Christopher L. Heer (CH 1086)  
Assistant Corporation Counsel

cc:

By FACSIMILE

Phillis Lu Simpson, Plaintiff Pro Se  
2255 5<sup>th</sup> Avenue, #11H  
New York, New York 10036